

UNITES STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON & MAINE CORP., and SPRINGFIELD
TERMINAL RAILWAY CO.,

Plaintiffs,

v.

TOWN OF WESTFORD, WESTFORD BOARD
OF HEALTH, DARREN R. MACCAUGHEY,
SANDY COLLINS, R.N., ZAC CATALDO, TODD
LOBO, TOM MAHANNA, JOANNE MARTEL,
JOSEPH P. GUTHRIE, JR., MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, and ROBERT GOLLEDGE, JR.,

Defendants.

Case No. 05 CV-10806 MLW

**RULE 26(a)(1) INITIAL DISCLOSURE BY
COMMONWEALTH DEFENDANTS**

The Massachusetts Department of Environmental Protection and Robert
Golledge, Jr., (jointly the "Department") hereby submit their Initial Disclosures, pursuant
to Fed. R. Civ. P. 26(a)(1), as follows:

1. Individuals with Discoverable Information

At this time the Commonwealth knows the identity of no individuals with
discoverable information.

2. Documents

The Commonwealth possesses no discoverable documents at this time; however,
the Commonwealth will supplement this disclosure should responsive documents
become available in the future.

3. Damages

There is no evidence of damages.

4. Insurance

There is no applicable policy of insurance.

5. Settlement

No settlement demands have been made.

COMMONWEALTH OF MASSACHUSETTS

By its attorneys,

/s/ Nora J. Chorover

Dates: October 21, 2005

Nora J. Chorover, BBO #547352
Assistant Attorney General
Environmental Protection Division
One Ashburton Place, 18th Floor
Boston, MA 02108
(617) 727-2200

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Initial Disclosures were sent by first class mail on October 21, 2005 to:

Robert B. Culliford, Esq.
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
No. Billerica, MA 01862

Eric L. Hirschhorn
Winston & Strawn LLP
1400 L Street, N.W.
Washington, DC 20005

Joseph L. Tehan, Jr.
Kopelman and Paige, P.C.
31 St. James Avenue
Boston, MA 02116

/s/ Kenneth P. Borden, Jr.

Kenneth P. Borden, Jr.